

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS VAELLO MADERO,

Defendant.

CASE NO. 17-2133 (GAG)

ORDER

In this case brought by the United States, Defendant challenges the constitutionality of the unequal treatment towards US citizens residing in the Commonwealth of Puerto Rico—a US territory since 1898—insofar as federal health benefits are concerned. Specifically, he challenges and asks the federal court to revisit the Supreme Court rulings in Califano v. Torres, 435 U.S. 1 (1978), and Harris v Rosario, 446 U.S. 651 (1980).

In both the Califano and Harris cases, neither the Commonwealth of Puerto Rico, through its Attorney and/or Solicitor General, nor the Resident Commissioner of Puerto Rico appeared, either as parties or amicus. However, the holdings in both cases have greatly impacted health benefits in the island in an unequal and adverse manner for four decades.

This case has passed the dismissal stage and the Court expects to address the merits of the matter in the upcoming months. Because the matter is of portentous interest to the Commonwealth and its approximately 3.4 million US citizens, the Court hereby invites the Commonwealth and its sole representative in Congress to participate as amici curiae, or otherwise move to intervene under

Civil No. 17-2133 (GAG)

1 Rule 24 of the Federal Rules of Civil Procedure.¹ Accordingly, Defendant shall serve a copy of
2 this order upon the Governor of Puerto Rico, Hon. Ricardo Rosselló Nevares, by way of his legal
3 advisor, Alfonso Orona, as well as to the Attorney General of Puerto Rico, Wanda Vázquez
4 Garced. Likewise, Defendant shall serve copy of this order to Puerto Rico's Resident
5 Commissioner, Hon. Jennifer González.

6 In addition, any bona fide amicus (supporting either the position of the United States or the
7 Government of Puerto Rico) may also present a brief. The deadline for intervention motions and
8 amicus briefs shall be set once the Court sets the case management order in this case.

9 **SO ORDERED.**

10 In San Juan, Puerto Rico this 22nd day of May, 2018.

11 *s/ Gustavo A. Gelpí*
12 GUSTAVO A. GELPI
13 United States District Judge
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24 ¹ Should either seek intervention, the United States will be afforded an opportunity to respond.